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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

February 3, 2006

The Honorable Michael B. Enzi
United States Senate
Washington, D.C. 20515-5004

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation,
Powder River Basin Expansion Project

Dear Senator Enzi:

I am writing in response to your letter on behalf of your constituent, Ms. Clara Wilson of Newcastle, Wyoming, concerning the Final Supplemental Environmental Impact Statement (SEIS) issued by the Surface Transportation Board's Section of Environmental Analysis (SEA) on December 30, 2005. Ms. Wilson feels the Final SEIS is incomplete because, with limited exceptions, it contains no maps of Wyoming. Further, Ms. Wilson feels that economic data pertaining to Wyoming is outdated.

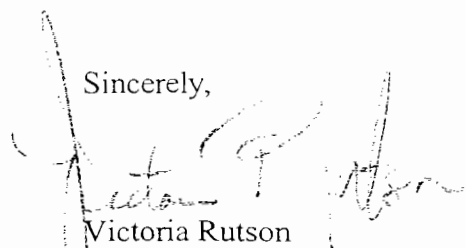
To briefly summarize the status of the environmental review process for the Powder River Basin Expansion Project, SEA issued a Draft SEIS on April 15, 2005, in response to a decision by the United States Court of Appeals for the Eighth Circuit in Mid States Coalition for Progress v. STB, 345 F.3d 520 (8th Cir. 2003). In Mid States, the court upheld the Board's decision with respect to all transportation issues and most of the environmental issues, but it remanded the case for further Board review on four environmental issues. The subsequent environmental analysis conducted by SEA was therefore focused on responding to the issues remanded by the court. After considering all comments received on the Draft SEIS, SEA issued a Final SEIS in December of 2005. Both documents are available for viewing on the Board's website at www.stb.dot.gov under "decisions" and the docket number (FD 33407). Because the court upheld the Board's analysis of economic data, it would have not been appropriate for SEA to examine this data further in the Draft and Final SEISs.

Regarding Ms. Wilson's concerns about the lack of Wyoming maps, SEA included maps on the cover (as Ms. Wilson notes) and in the Executive Summary of the entire project area, which includes eastern Wyoming. The remainder of the Draft and Final SEISs analyzed issues of

either general concern or of specific concern in areas outside Wyoming. For example, Appendix A set forth quad maps of wetlands in South Dakota and Minnesota as part of a comment submitted by the U.S. Environmental Protection Agency, Region 8. It is not that SEA was not concerned about potential environmental impacts to Wyoming, rather, the court's remand necessitated our review to focus less extensively on Wyoming. Of course, Wyoming is discussed in detail in both the original Draft EIS and Final EISs issued in September 2000 and November 2001, respectively.

I hope I have been responsive to Ms. Wilson's concerns. I appreciate the opportunity to be of assistance in this matter. If I can be of help in the future, please do not hesitate to contact me at (202) 565-1545.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Victoria Rutson', is written over a faint, larger signature that is partially obscured.

Victoria Rutson
Chief,
Section of Environmental Analysis

cc: DeAnna Bruski